

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GRANT CLEVERLEY, in his individual capacity  
and *on behalf of* nominal plaintiff ALLSITE  
STRUCTURE RENTALS, LLC, also a defendant  
herein,

Plaintiff,

vs.

CHARLES BALLANTYNE, an individual;  
ALLSITE STRUCTURE RENTALS, LLC, a  
Nevada limited liability company; and JOHN  
COFRAN, an individual,

Defendants.

Case No. 2:12-cv-00444-GMN-GWF

**ORDER**

DEFENDANTS' MOTION TO  
STRIKE PLAINTIFF'S  
"STATUS REPORT" (#109)

This matter comes before the Court on Defendants Allsite Structure Rentals, LLC, Charles Ballantyne, and John Cofran ("Defendants") Motion to Strike (#112) Plaintiff's "Status Report" (#109), filed on June 19, 2013. Plaintiff has not filed a response to Defendants' Motion (#112).

**BACKGROUND AND DECISION**

On April 10, 2013, Plaintiff filed an Amended Complaint (#69) alleging seven (7) causes of action arising out of business contract disputes between Plaintiff and Defendants. On April 10, 2013, Defendants filed a Motion to Dismiss (#78) Plaintiff's Amended Complaint (#69). Plaintiff timely filed a Response (#87) on May 10, 2013, and Defendants timely filed their Reply (#91) on May 20, 2013. The Court has since taken the matter under advisement.

Plaintiff's counsel, Alex J. Brown, wrote a letter to the Court that was docketed as a "Status Report" and filed in this matter as document #109 on June 18, 2013. On June 19, 2013, Defendant's filed the instant Motion (#112) requesting the Court to strike Plaintiff's Status Report

(#109). Defendants argue that the letter “is an improper written communication.” *Motion to Strike, Doc. #112, at 1:22*. Under Local Rule 7-2, the time to file responsive pleadings to Defendants’ Motion to Dismiss (#78) has passed. Federal Rule of Civil Procedure 15(d) provides that a party may request the court to permit the “party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” The Court finds that the Status Report (#109) was intended to supplement Plaintiff’s Response (#87) to Defendants’ Motion to Dismiss (#78). If Plaintiff wants the Court to consider the information provided in the Status Report (#109), Plaintiff must file a motion with the Court requesting leave to supplement his briefing as required under Rule 15(d). Accordingly,

**IT IS HEREBY ORDERED** that Defendants’ Motion to Strike (#112) is **granted**.

DATED this 10th day of July, 2013.

  
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GEORGE FOLEY, JR.  
United States Magistrate Judge